



NO JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ERIK A CANE, ) Case No. CV 12-10178 DDP (JCx)  
)  
Plaintiff, ) ORDER GRANTING UNOPPOSED MOTION  
) TO DISMISS THIRD, FOURTH, FIFTH,  
v. ) AND SIXTH CAUSES OF ACTION  
)  
BANK OF AMERICA N A ) [Dkt. No. 7]  
ERRONEOUSLY SUED AS BANK OF )  
AMERICA ; TAMMY SALYER )  
ERRONEOUSLY SUED AS TAMMY )  
SAWYER ; HEATHER PETERSON )  
ERRONEOUSLY SUED AS HEATHER )  
ALMIRON, )  
)  
Defendants. )  
)  
\_\_\_\_\_ )

Presently before the court is Defendants' Partial Motion to Dismiss Complaint. Because Plaintiff has not filed an opposition, the court GRANTS the Motion to Dismiss.

Central District of California Local Rule 7-9 requires an opposing party to file an opposition to any motion at least twenty-one (21) days prior to the date designated for hearing the motion. Additionally, Local Rule 7-12 provides that "[t]he failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion."

1 The hearing on Defendants' Motion was set for January 7, 2013.  
2 Plaintiff's opposition was therefore due by December 17, 2012. As  
3 of the date of this Order, Plaintiff has not filed an opposition,  
4 or any other filing that could be construed as a request for a  
5 continuance. Accordingly, the court deems Plaintiff's failure to  
6 oppose as consent to granting the Motion to Dismiss, and GRANTS the  
7 Motion. Plaintiff is also notified that the correct identities of  
8 Defendants are Bank of America, N.A. (instead of Bank of America),  
9 Tammy Salyer (instead of Tammy Sawyer), and Heather Peterson  
10 (instead of Heather Almiron).

11  
12 IT IS SO ORDERED.

13  
14  
15 Dated: January 8, 2013

  
DEAN D. PREGERSON  
United States District Judge